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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,087	02/17/2004	Matthew W. Starks	65856-0054	9884
10291 7590 07/31/2007 RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610			EXAMINER BEAMER, TEMICA M	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/780,087

Applicant(s)

STARKS ET AL.

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/7/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11,26-31,35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11,26-31,35 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 1-11, 26-31, 35 and 37 is withdrawn in view of the newly discovered reference(s) to Gale et al (Gale), GB 2 410 554 A. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-11 and 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Gale.

Regarding claim 1, Gale discloses a system for viewing measurements remotely, comprising: a processor (44) that is connected to a first wireless communications device, the processor and the first wireless communications device being external to an equipment; wherein file processor is programmed receive, via the first wireless communications device, at least one measurement from a second wireless communications device connected to at least one measurement device (page 10, lines 22-31, page 11, line 18-page 12, line 6).

Regarding claim 2, Gale discloses the system of claim 1, wherein the measurement represents at least one output from a sensor (page 17, lines 4-28).

Regarding claim 3, Gale discloses the system of claim 1, further comprising a user interface connected to the processor (page 12, lines 14-23, page 14, lines 5-13).

Regarding claims 4, Gale discloses the system of claim 1, wherein file processor is further programmed to configure the measurement device (page 12, lines 14-23, page 14, lines 5-13).

Regarding claim 5, Gale discloses the system of claim 1, wherein the processor is further programmed to perform at least one of: displaying data that has been retrieved from the measurement device, analyzing data that has been retrieved from the measurement device, and storing data that has been retrieved from the measurement device (page 14, line 25-page 15, line 5, page 19, lines 4-33).

Regarding claim 6, Gale discloses the system of claim 1, wherein the processor is included in a computer that is selected from the group consisting of a custom-designed computing device, a desktop personal computer, a laptop personal computer,

a handheld computer, and a java- enabled portable computing device (page 14, lines 5-13; figure 3).

Regarding claim 7, Gale discloses the system of claim 1, further comprising a wireless network (figure 3).

Regarding claim 8, Gale discloses the system of claim 7, wherein the wireless communications device sends signals to the measurement device via the wireless network (figure 3).

Regarding claim 9, Gale discloses the system of claim 7, wherein the measurement device sends signals to the wireless communications device via the wireless network (figure 3).

Regarding claim 10, Gale discloses the system of claim 1, wherein the measurement device is selected from the group consisting of a gauge and a transducer (page 17, lines 4-28).

Regarding claim 11, Gale discloses the system of claim 1, wherein the wireless communications device is selectively attached to at least one second measurement output device (figure 3).

Regarding claim 26, Gale discloses a system for viewing measurements remotely, comprising: a first processor that is connected to a wireless communications device; at least one sensor that provides at least one output related to a component in an equipment; and at least one measurement device comprising a second processor programmed to (1) receive an input from the sensor and (2) wirelessly communicate with the first processor, wherein the first processor is external to the equipment and is

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programmed to retrieve measurements from the measurement device via the wireless communications device (page 10, lines 22-31, page 11, line 12-page 12, line 6).

Regarding claim 27, Gale discloses the system of claim 26, wherein the component is a component in a vehicle (as evidenced by the fact that an accelerometer is used) (page 20, lines 8-13).

Regarding claim 28, Gale discloses the system of claim 26, wherein the at least one sensor is a plurality of sensors (figure 3).

Regarding claim 29, Gale discloses the system of claim 26, wherein the at least one measurement device is a plurality of measurement devices (figure 3).

Regarding claim 30, Gale discloses the system of claim 1, wherein the measurement relates to a component in the equipment (page 17, lines 4-28).

Regarding claim 31, Gale discloses the system of claim 1, wherein the equipment is a vehicle (as evidenced by the fact that an accelerometer is used) (page 20, lines 8-13).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gale in view of well-known prior art.

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Regarding claims 35 and 37, Gale discloses the system of claims 1 and 26 as described above. Gale, however, fails to disclose wherein the at least one measurement device is selectively detachably connected to a component in the equipment.

The examiner contends that such a feature is well-known in the art and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Gale with the teachings of well-known prior for the purpose of making the device flexible to the users needs.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:30am-4:00pm.

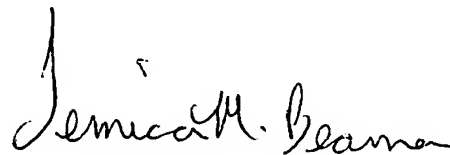
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Temica M. Beamer  
Primary Examiner  
Art Unit 2617

tmb

A handwritten signature in black ink, reading "Temica M. Beamer". The signature is fluid and cursive, with a large initial "T" and "B".

TEMICA BEAMER  
PRIMARY EXAMINER